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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/587,603

05/14/2007

Aloys Wobben

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SEED INTELLECTUAL PROPERTY LAW GROUP PLLC

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SUITE 5400

SEATTLE, WA 98104

EXAMINER

DEMUREN, BABAJIDE A

ART UNIT

PAPER NUMBER

3633

MAIL DATE

DELIVERY MODE

01/13/2010

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/587,603	<b>Applicant(s)</b> WOBBEN, ALOYS	
	<b>Examiner</b> Babajide Demuren	<b>Art Unit</b> 3633	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 October 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)             |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application   |
| Paper No(s)/Mail Date <u>5/14/07, 10/12/09</u> .                                       | 6) <input checked="" type="checkbox"/> Other: <u>EP1985334 A3</u> . |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 11 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. Claim 11 recites the limitation "the non-rusting material" in line 2. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1 and 6-7 rejected under 35 U.S.C. 102(b) as being anticipated by

**Wobben (WO 03/066169).**

6. With regard to **claim 1**, Wobben discloses a pylon (10); an entry in the pylon (via 20); and an internal space in the pylon interior of the wind power installation (denoted by 10), in which electrical or electronic components (12) of the wind power installation are disposed; and a lock (area between 20 and 20, Fig 1) provided between the entry of the wind power installation and the internal space in which the electronic components are

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disposed, the lock **preventing** moisture that enters through the entry when the entry is opened from passing into the internal space of the installation; and having a drain (in the form of a space 25 attached to the lock, Fig 1) through which water that passes into the lock **can** drain away.

7. With regard to **claim 6**, Wobben discloses the lock directly connected (via floor 20) to the pylon (see Fig 1).

8. With regard to **claim 7**, Wobben discloses the lock the lock has a second door (denoted by 22) which leads to the internal space, the second door being smoke-tight (as disclosed by Wobben in the Abstract to prevent fire).

### ***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. **Claims 2-5 and 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wobben (WO 03/066169).**

11. With regard to **claims 2, 10, and 11**, Wobben fails to provide the lock is formed from a non-rusting material, plastic material, or glass fiber reinforced plastic material.

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It would have been obvious to one having ordinary skill in the art at the time the invention was made to form the lock out of non-rusting material such as plastic, concrete, or glass-reinforced plastic material to avoid corrosion subject to metal since wind power installation at mostly installed in offshore locations. Further, it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice.

12. With regard to **claim 3**, Wobben fails to expressly disclose the lock also serves as a clothes changing room but it would have been obvious to one of ordinary skill in the art that service personnel could easily change to an overall in the lock before proceeding to the internal space of the pylon to service the electrical components absent any unexpected or unpredictable results.

13. With regard to **claim 4**, Wobben fails to expressly disclose the air is urged out of the interior of the wind power installation into the lock when the lock is opened to the interior however, it would be inherent that would be urged out of the an interior into the lock when the lock is opened because air which is a fluid would always occupy an open space.

14. With regard to **claim 5**, Wobben fails to expressly disclose the air pressure in the interior of the installation is greater than in the lock. However, it would have been obvious to one of ordinary skill in the art at the time of the invention that the air pressure

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in the confined inner space of Wobben would be greater than the air the lock because the air in the inner space would be have to be warmer due to the activity of the electrical components thus increasing the pressure in the confined inner space.

15. **Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wobben (WO 03/066169) as applied to claim 1 above in further view of Kanda (JP 02041180).**

16. With regard to **claim 8**, Wobben fails to provide the lock has an inside wall and an outside wall, insulating material being arranged between the inside wall and the outside wall.

Kanda provides at the time of the invention it is known to provide an inside wall and an outside wall, insulating material (19) being arranged between an inside wall and an outside wall.

It would have been obvious to one of ordinary skill in the art of the time of the invention to modify the lock of Wobben with the insulating material of Kanda to further improve the fireproofing of the overall wind power installation.

17. With regard to **claim 9**, Wobben as modified provides the insulating material (19) has a material which is heat-resistant and a poor thermal conductor (an inorganic fireproof board as disclosed by Kanda).

***Conclusion***

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. **Refer to attached NOTICE OF REFERENCE CITED.**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Babajide Demuren whose telephone number is (571) 270-7017. The examiner can normally be reached on Monday to Thursday; 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Dunn can be reached on (571) 272-6670. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/B. D./  
Examiner, Art Unit 3633

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/Robert J Canfield/

for D. Dunn, SPE of Art Unit 3633